



**REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF
LEGAL AND OTHER PROFESSIONAL SERVICES**

**Borough Auditor
Borough Appraiser
Tax Appeal Attorney
Bond Counsel
Risk Manager**

ISSUE DATE: September 30, 2016

DUE DATE: 12 Noon Prevailing Time on Friday, October 28, 2016

ISSUED BY: The Borough of Emerson

NOTE: The Borough of Emerson will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

"Borough" - refers to the Borough of Emerson.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the Borough) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested persons and/or firm(s) that submit a Qualification Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Borough is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Borough with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Borough will review Qualification Statements only from those persons and/or firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Borough). The Borough intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of Emerson.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the "New Jersey Local Unit Pay-to-Play" Law, N.J.S.A. 19:44A-20.4 et seq.,'. The Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ Qualification. Statements will be evaluated in accordance with the criteria set forth in Section 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the Borough. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the Review Team review responses to an RFQ for an appointment which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Borough will (in its sole judgment) determine which Respondents are qualified (professionally, administratively and financially) Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Borough) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Borough.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, "Anticipated Procurement Schedule". The Borough reserves the right to, among other things, amend, modify or alter the "Anticipated Procurement Schedule" upon notice to all potential respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Borough's Designated Contact Person, in writing.

Designated Contact Person:

Robert S. Hoffmann, Borough Administrator
Borough of Emerson
1 Municipal Place
Emerson, New Jersey 07630
administrator@emersonnj.org

One (1) Qualification Statement via email as a .pdf and one (1) hard paper copy via mail or hand delivery must be submitted to, and be received by, the Borough, by 12:00 noon prevailing time on Friday, October 28, 2016. Qualification Statements will not be accepted by facsimile transmission.

Table 1
Anticipated Procurement Schedule

<i>Activity</i>	<i>Date</i>
1. Issuance of Request for Qualifications	September 30, 2016
2. Receipt of Qualification Statements	October 28, 2016
3. Review of Submissions	November 2016
4. Interview of Qualified Candidates	December 2016
5. Approval of Selected Candidates	January 2017 - Reorganization meeting

Subsequent to issuance of this RFQ, the Borough (through the issuance of addenda to all persons and/or firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Borough.

Section 1.3. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute a Request for Proposal ("RFP").
- This RFQ does not commit the Borough to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Borough reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.

- The Borough reserves the right (in its sole judgment) to reject any Respondent that submits incomplete or conditional responses this RFQ or a Qualification Statement that is not responsive or contains errors to the requirements of this RFQ.
- The Borough reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Borough and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with law.
- The Borough may request Respondents to send representatives to the Borough for interviews.
- The Borough may waive any technical non-conformance with the terms of this RFQ.
- The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.
- Any and all Qualification Statements not received by the Borough by **12:00 noon prevailing time on Friday, October 28, 2016** will be rejected.
- Neither the Borough, nor their respective staffs, consultants nor advisors shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

Section 1.4 Rights of the Borough

The Borough reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through the issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Borough deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.5 Addenda or Amendments to the RFQ

During the period for the preparation of responses to the RFQ, the Borough may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Borough and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued to the proposal submission date.

1.6 Cost of Proposal Preparation

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of each respondent. There shall be no claims whatsoever against the Borough, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7 Proposal Format

Responses should cover all information requested in the Questions to be answered in this RFQ. Responses which in the judgement of the Borough fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Borough to solicit Qualification Statements from Respondents that have expertise in the provision of professional services as set forth in the attached Notice of Solicitation for Responses and the title page of this RFQ. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

SECTION 3

SUBMISSION REQUIREMENTS

Section 3.1 General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2 Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. Name, address and telephone number of the Respondent submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each respondent, its ownership and its organizational structure.
 - a) Provide the names and business addresses of all Principals of the Respondent submitting the Qualification Statement. For purposes of this RFQ, "Principals" means person(s) possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
 - b) If a Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the Respondent submitting a Qualification Statement. Describe the approval process.

- c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
 - d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance
 - e) Estimated costs of expected services to be provided to the Borough.
- 5. An executed Letter of Intent (See Appendix B).
 - 6. The number of years Respondent has been in business under the present name.
 - 7. The number of years Respondent has been under the current management.
 - 8. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
 - 9. Whether the Respondent is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
 - 10. Confirm appropriate federal and state licenses to perform activities. **Submit a copy of the firm's Business Registration Certificate.**

Section 3.3 Professional Information Requirements.

- a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
 - 1. Description and scope of work by Respondent.
 - 2. Name, address and contact information of references.
 - 3. Explanation of perceived relevance of the experience to the RFQ.
- b. Brief description of Respondent's relevant clients during the last three (3) years.
- c. Resumes of key employees.

- d. A narrative statement of the Respondent's understanding of the Borough's needs and goals.
- e. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws.
- f. Estimated costs of expected services to be provided to the Borough. Please include all relevant terms of retention. The respondent shall include as part of the RFQ a cost proposal for providing services based on a "not to exceed" hourly rate. Failure to include a proposal for providing services based on a per meeting cost and a proposal for providing services based on a "not to exceed" hourly rate may be the basis for the Borough rejecting the RFQ.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit one (1) of their Qualification Statement electronically as a .pdf and one (1) hard copy via mail or hand-delivery to the Designated Contact Person:

**Robert S. Hoffmann, Borough Administrator
Borough of Emerson
1 Municipal Place
Emerson, New Jersey 07630
administrator@emersonnj.org**

Qualification Statements must be received by the Borough no later than **12:00 noon prevailing time on Friday, October 28, 2016** with one copy electronically as a .pdf and one copy mailed or hand-delivered. Qualification Statements forwarded by facsimile will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the respondent.

SECTION 5

EVALUATION

The Borough's objective in soliciting Qualification Statements is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of Emerson. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Borough and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Borough; and
4. Other factors demonstrated to be in the best interest of the Borough.

**APPENDIX A
LETTER OF QUALIFICATION**

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[insert date]

**Attn: Robert S. Hoffmann, Borough Administrator
Borough of Emerson
1 Municipal Place
Emerson, New Jersey 07630
administrator@emersonnj.org**

Dear Mr. Hoffmann:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Borough of Emerson ("Borough"), dated [insert date], in connection with the Borough's need for [insert specific position].

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of **(Name of Respondent)**.

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Signature of Chief Financial Officer)

(Typed Name and Title)

(Typed name and Title)

(Type Name of Firm)*

(Type Name of Firm)*

Dated: _____ Dated: _____

If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.

APPENDIX B

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[insert date]

**Attn: Robert S. Hoffmann, Borough Administrator
Borough of Emerson
1 Municipal Place
Emerson, New Jersey 07630
administrator@emersonnj.org**

Dear Mr. Hoffmann:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Borough of Emerson ("Borough"), dated **[insert date]**, in connection with the Borough's need for **[insert specific position]**.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.

2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.

3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFP, or any negotiation which results there from shall be borne exclusively by the Respondent.

4. **(Name of Respondent)** hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Borough. **(Name of Respondent)** declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. **(Name of Respondent)** acknowledges and agrees that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. **(Name of Respondent)** acknowledges that any contract executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Type Name of Firm)*

DATED: _____

If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.